



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, December 17, 2013
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

LTAB Members: Alicia Neubauer
Dennis Olson
Scott Sanders
Craig Sockwell

Absent: Aaron Magdziarz
Dan Roszkowski

Staff: Todd Cagnoni – Director, Construction & Development Services
Mark Marinaro - Fire Department
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others: Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor & Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, January 6, 2014, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 6:25 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the November meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 3-0 with Dennis Olson abstaining and Dan Roszkowski and Aaron Magdziarz absent.

013-LTAB-045

Applicant
Ward 09

3121 N. Rockton Avenue

Koshy Alexander d/b/a ABA Gas, Inc.

Sale of tobacco products in conjunction with a gas station and grocery store

Sale of Packaged Liquor in conjunction with a gas station and grocery store in a C-2, Limited Commercial Zoning District.

Laid Over from November meeting

The subject property is located on the southeast corner of the North Rockton Avenue and Paradise Boulevard intersection. This item was Laid Over at the November meeting with a request that the Applicant provide further information to Staff. Staff had a meeting with the Applicant on November 22 to explain the landscaping, signage, dumpster enclosure and appearance and maintenance requirements. As of the time Staff reports were distributed, staff had not received any revised plans. Plans have since been received one day prior to the meeting.

Koshy Alexander, Applicant, was present. He showed a landscaping plan that was submitted to Staff the day before this meeting and explained that he is accepting of Staff's requests. He is requesting that he be allowed to keep the sign of the Wilson Marathon that is currently on the side of the canopy. He stated the American Gas Station will probably be changed to a Shell gas station with Staff's approval. He is asking for a 6-7 month time frame to complete all the conditions required should this item be approved.

Mr. Cagnoni stated Staff has met with the Applicant. Based on the plan submitted this evening, Staff feels this is a reasonable acceptable plan. Staff wished to clarify that they would keep the Wilson free standing sign and remove the other two freestanding price signs. Mr. Alexander responded that they want to keep the Wilson sign and also install a monument /landmark style sign. The transfer from American to Shell is expected to occur in at least 7 months, but they will start work this summer. Mr. Cagnoni stated if Shell made any changes to the plan, Staff would want to review these changes before making any agreement.

Mr. Cagnoni stated although Staff would be willing to support tobacco sales with the improvements presented by the Applicant, they would remain with their recommendation of Denial of liquor sales. Objectors and Interested Parties were present.

Alderman Newburg stated she would like to see a use for this building; however, she does not support any further sales of liquor in this area. She stated she does support the business with tobacco sales. In response, the Applicant stated without a liquor license there is no point in opening his business.

Mr. Olson stated he did not understand the reason the Applicant felt the business would not be profitable without liquor sales. He also does not support the sale of liquor at this location. Mr. Cagnoni stated there are three stations in the vicinity and only one sells alcohol.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of tobacco products in conjunction with a gas station and grocery store and to **DENY** the sale of packaged liquor in conjunction with a gas station and grocery store in the name of Koshy Alexander d/b/a ABA Gas, Inc. in a C-2, Limited Commercial Zoning District at 3121 North Rockton Avenue with added conditions 1-5. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Landscaping shall be installed per the landscaping plan submitted 12/16/13 no later than July 1, 2014
2. The existing free-standing sign at the northwest corner of the property be removed.
3. Window display signage shall be limited to 35% of the window surface area.
4. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
5. That the windows shall not be covered with bars or other devices that block the windows
6. Meeting all applicable building and fire codes.
7. Compliance with all City of Rockford Tobacco Codes.
8. The sale of tobacco shall be limited to the interior site plan that was submitted as Exhibit D.

013-LTAB-046

Applicant
Ward 11

1516 8th Street, 1201 and 1219 Broadway

Bounleung Thamontri d/b/a Asian Mall Banquet Hall

Sale of liquor by the drink in conjunction with a restaurant, bar and banquet hall (venue) in a C-4, Urban Mixed-Use Zoning District

The subject properties are located on the southeast corner of 8th Street and Broadway and is the vacant tenant space of the former Asian Mall and Banquet Hall. The applicant, Bounleung Thamontri, and his attorney, Donald Sullivan were present. The Applicant reviewed his request to sell liquor by the drink in conjunction with his restaurant, bar and banquet hall. He also stated he anticipates a community center for the two Buddhist Temples in Rockford.

Staff had no questions of the applicant.

Ms. Neubauer stated there were previous applications for liquor sales at this location that were denied. She asked the Applicant what was different about this application. Mr. Thamontri stated there is no business functioning at this location now. The previous business, Taste of Thai has been closed for almost a year. Mr. Sanders asked if he would proceed with the banquet hall without the sale of liquor. Mr. Thamontri stated he did not feel he could operate without the liquor license.

Staff Recommendation is for Denial. Interested Parties were present. No Objectors were present, but one letter of Objection was received.

Cliff Gray, owner of Gray's Foods, 1202 Broadway, Adjacent Property Owner, submitted a letter of Objection. Mr. Gray stated he has been in business on Broadway since 1973. He stated "I am very much against another liquor establishment on Broadway. However I would not be opposed to the sale of liquor in a banquet hall or a restaurant that serves mostly food. I am opposed to a bar, I do not feel we need another bar on Broadway".

Ramon Munoz, 1209 Broadway spoke in support of the Application. Mr. Munoz operates a business at 1209 Broadway and stated in the past year his business was robbed 5 times. He stated he is in support

of the Applicant's use of this vacant building to create more business in the area and less opportunity for robbery.

Lee Phetsinor, 2218 South 4th Street, was present and spoke in support of the Applicant's proposal. He stated currently the only place for people of Asian descent to gather is at the Buddhist Temple. Mr. Phetsinor indicated at this time there are no restaurants available that serve Asian food.

Mr. Sockwell felt the Applicant's plan was a great concept, but this area may not be the right location. Ms. Neubauer expressed frustration in that this application did not appear any different in plans than any of the previous applications that were denied. She is unable to support the application the way it is now presented.

Staff stated their recommendation was based on past recommendations of Denial due to the desire of not having additional liquor sales along this corridor. He stated he does not anticipate there would be any change in their recommendation at this time. He clarified that the banquet facility could operate at this location; the sale of liquor is the obstacle. Although there are provisions that would allow for an S permit for a one-time sale of liquor, those requirements involve partnering with a not-for-profit function which is not the case in this instance.

A **MOTION** was made by Dennis Olson to **DENY** the sale of liquor by the drink in conjunction with a restaurant, bar and banquet hall (venue) in the name of Bounleung Thamontri d/b/a Asian Mall Banquet Hall in a C-4, Urban Mixed-Use Zoning District at 1516 8th Street, 1201 and 1219 Broadway. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

013-LTAB-047

Applicant
Ward 03

1710 Rural Street

Nick Fosberg d/b/a Rural on Tap

Sale of liquor by the drink in conjunction with a bar in a C-2, Limited Commercial Zoning District

Prior to the meeting, the Applicant requested that this item be Laid Over to the January 22nd meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the sale of liquor by the drink in conjunction with a bar in the name of Nick Fosberg d/b/a Rural on Tap in a C-2, Limited Commercial Zoning District at 1710 Rural Street. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 4-0.

013-LTAB-048

Applicant
Ward 11

1804 18th Avenue

Jason Conerly d/b/a Rusty Nail Tavern, Inc.

Sale of liquor by the drink in conjunction with a tavern bar and restaurant

Sale of package liquor in conjunction with a tavern bar and restaurant

Sale of liquor by the drink in an outside seating area in an I-1, Light Industrial Zoning District

The subject property is located on the northeast corner of 13th Street and 18th Avenue. Attorney Nicholas Meyer, and Jason Conerly, Applicant, were present. Attorney Meyer stated his client is in the process of purchasing this bar and grill. He anticipates 60% alcohol and 40% food once the kitchen is updated and in operation. He stated Mr. Conerly is interested in improving the negative issues at this location. He has experience in bar and restaurant service. He will also be the primary bartender and cook, and will do background checks and training on his staff. Customers that create problems will be banned. He will

have security on the weekends and for special events. If necessary he will hire licensed security personnel directly or through contractors. There will be a point of sale system that will scan every i.d. to determine if the identification is valid. Attorney Meyer further stated his client will install two security cameras on the outside of the building that can be viewed from within the building. The client and his attorney have met with staff to determine how to rectify the lack of landscaping. He estimates landscaping will cost approximately \$16,000.

Staff had no questions of the applicant. Mr. Sanders stated the 15 pages of information submitted after the deadline of the Application was difficult to absorb and he wished to point out that the initial application was very "light" in information. Ms. Neubauer stated the discussion at this meeting regarding the security plan was helpful; however, it was not presented in writing or in the Staff Report they received because of the delay in submittal. She asked the ratio of food to alcohol. Attorney Meyer restated 60% bar 40% alcohol once the kitchen is open. Mr. Conerly stated it is his goal to have the kitchen operational at the time he opens the bar, but no later than a month after that.

Mr. Cagnoni stated he had met with the Applicant on landscaping. When he received the revised plan he had met with Attorney Cacciapaglia and his understanding was that it did not address all of the City's concerns. He felt the landscaping plan could use some improvement.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Mr. Sanders stated he did not feel he could support this proposal without studying the additional information submitted after the application. He asked the Applicant how he felt about a Lay Over. Mr. Fosberg stated it would seriously financially hurt his family if this were laid over. He stated he was not certain what the gamble was if he went this route. He did verify that the bar is open at this time. Mr. Cagnoni advised the Board if they wished to proceed they could state their reasons for a recommendation and they would be passed on to Codes Regulations. The Applicant stated he would prefer to go with a Lay Over if that would benefit his application.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the sale of liquor by the drink in conjunction with a tavern bar and restaurant; the sale of package liquor in conjunction with a tavern bar and restaurant; and the sale of liquor by the drink in an outside seating area in the name of Jason Conerly d/b/a Rusty Nail Tavern, Inc. in an I-1, Light Industrial Zoning District at 1804 18th Avenue. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 4-0.

013-LTAB-049

Applicant
Ward 01

275 Deanne Drive

Loredo Hospitality Ventures, LLC d/b/a Stella's Place
Sale of beer and wine in conjunction with a restaurant and gaming facility in a C-2, Limited Commercial Zoning District

The subject property is located within a shopping center on the northwest corner of North Perryville Road and East State Street and is one of six tenant spaces. Gary Leff, CEO of Loredo Hospitality Ventures, reviewed his request. He provided background on his company, the experience of his staff as well as an in-depth background of his experience. Mr. Leff stated Stella's Place would be an upscale adult neighborhood gathering place with a café experience and gaming machines. They have a full breakfast menu, and will also offer free IPADs to be used on site with gaming. This is the only location in Rockford that they plan at this time. Food items that are easy to cook and assemble are brought in – they do not have a full kitchen. Their food is simple to prepare and is not meant to be a full dinner menu. Hours of operation would be 7:00 AM to 2:00 AM and may vary depending on demand.

Staff Recommendation is for Approval with (5) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of beer and wine in conjunction with a restaurant and gaming facility in the name of Loredo Hospitality Ventures, LLC d/b/a Stella's Place in a C-2, Limited Commercial Zoning District at 275 Deanne Drive. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. The hours are limited to 7:00 A.M. to 2:00 A.M. Monday through Saturday and 9:00 A.M. to 2:00 A.M. on Sunday
3. The sale of liquor shall be limited to the interior floor plan area as shown on Exhibit D.
4. Window display signage shall be limited to 35% of the window surface area.
5. There shall not be a cover charge, dance floor, DJ's and/or live entertainment.

With no further business to come before the Board, the meeting was adjourned at 7:55 PM.

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor & Tobacco Advisory Board